

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**IN RE:**

<b>SEXTON DAIRY FARM,</b>	)	<b>00-10347/Chapter 12</b>
<b>N. C. General Partnership</b>	)	
	)	
<b>Debtor.</b>	)	
<hr/>	)	
<b>CHARLES E. SEXTON,</b>	)	<b>00-10348/Chapter 12</b>
	)	
<b>Debtor.</b>	)	
<hr/>	)	
<b>JAMES L. SEXTON, JR.,</b>	)	<b>00-10349/Chapter 12</b>
	)	
<b>Debtor.</b>	)	

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**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

The undersigned attorney of record, David G. Gray, moves the Court, alleges and says:


1. Since the filing of these proceedings on April 28, 2000, the undersigned has been attorney of record for the three captioned debtors.
2. Since the filings, the debtors have never been able to pay the court-ordered fees and costs to the undersigned; the undersigned has only been paid from the Trustee's recent liquidations.
3. The Chapter 12 debtors' legal positions are significantly different and possibly adverse now than at the time of filing and the undersigned is now in a position of potential legal conflict between the parties that would make continued representation of any of the debtors inappropriate.
4. It is appropriate for the undersigned to be allowed to withdraw as attorney of record from the above proceedings.

**THEREFORE**, the undersigned, David G. Gray respectfully requests of the Court an order as follows:

1. To be allowed to withdraw as attorney of record for Sexton Dairy Farm (Case No. 00-10347), Charles E. Sexton (Case No. 00-10348) and James L. Sexton, Jr. (Case No. 00-10349).

**2. For other appropriate relief.**

**This the 29<sup>th</sup> day of December, 2004.**

  
David G. Gray, Attorney for Debtors  
N. C. State Bar No. 1733

**WESTALL, GRAY, CONNOLLY & DAVIS, P.A.**  
**81 Central Avenue**  
**Asheville, North Carolina 28801**  
**Tel: (828) 254-6315**  
**Fax: (828) 255-0305**

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<b>N. C. General Partnership</b>	)	
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<b>Debtor.</b>	)	
_____	)	
	)	
<b>CHARLES E. SEXTON,</b>	)	<b>00-10348/Chapter 12</b>
	)	
<b>Debtor.</b>	)	
_____	)	
	)	
	)	
<b>JAMES L. SEXTON, JR.,</b>	)	<b>00-10349/Chapter 12</b>
	)	
<b>Debtor.</b>	)	


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**NOTICE OF HEARING**

**TAKE NOTICE** that the David G. Gray has filed a motion to withdraw as attorney of record for captioned debtors; a copy of said motion accompanies this notice.

**TAKE FURTHER NOTICE** that hearing on such will be held on **JANUARY 18, 2005** at 9:30 a.m. or thereafter as reached for hearing before the Bankruptcy Judge Presiding in the first floor courtroom of the United States Courthouse, 100 Otis Street, Asheville, North Carolina.

**This the 29<sup>th</sup> day of December, 2004.**

  
\_\_\_\_\_  
David G. Gray, Attorney for Debtors  
N. C. State Bar No. 1733

**WESTALL, GRAY, CONNOLLY & DAVIS, P.A.**  
81 Central Avenue  
Asheville, North Carolina 28801  
Tel: (828) 254-6315  
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\* \* \* \* \*

The undersigned certifies that copy of the foregoing notice with copy of motion to withdraw as attorney of record attached has this day been served by first class mail in a properly address envelope with adequate postage affixed on the following:

Sexton Dairy Farm  
% James L. Sexton, Jr.  
436 Crab Creek Road  
Hendersonville, North Carolina 28739

Sexton Dairy Farm  
% Charles E. Sexton  
P. O. Box 3035  
Hendersonville, North Carolina 28793

James L. Sexton, Jr.  
436 Crab Creek Road  
Hendersonville, North Carolina 28739

Charles E. Sexton  
P. O. Box 3035  
Hendersonville, North Carolina 28793

John Bramlett, Bankruptcy Administrator  
402 West Trade Street, Room 200  
Charlotte NC 28202-1669

Marjorie R. Mann, Attorney  
for Roberts & Stevens, Trustee  
P. O. Box 7647  
Asheville NC 28802

Sueanna P. Sumpter  
Assistant Attorney General  
N. C. Department of Justice  
42 North French Broad Avenue  
Asheville NC 28801

William L. Esser, IV, Attorney  
Three Wachovia Center, Ste. 3000  
401 South Tryon Street  
Charlotte, North Carolina 28202-1935

**Farm Service Agency  
Attn: Keith H. Weatherly  
State Executive Director  
4407 Bland Road, Ste. 175  
Raleigh NC 27609-6296**

**Farm Service Agency  
Attn: Bob Holbert  
999 High Country Lane  
Hendersonville NC 28792**

**This the 29<sup>th</sup> day of December, 2004.**

  
\_\_\_\_\_  
David G. Gray, Attorney